

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

HAMPTON CHASE RECREATION ASSOCIATION, SPA 89-S-006-02 Appl. under Sect(s). 8-401 of the Zoning Ordinance to amend SP 89-S-006 previously approved for a community swimming pool to permit modification of development conditions. Located at 5492 Ashleigh Rd., Fairfax, 22030, on approx. 2.65 ac. of land zoned R-2 (Cluster) and WS. Springfield District. Tax Map 66-2 ((5))U1. Mr. Hammack moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on July 10, 2013; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The proposed development conditions are all appropriate and certainly not contested.
3. The Board has a favorable staff recommendation and adopts its rationale.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. This approval is granted to the applicant, Hampton Chase Recreation Association, only. However, upon conveyance of the property to the Hampton Chase Homeowners' Association, or similar non-profit corporation or association, this approval will transfer to such association. This approval is for the location indicated on the application and is not transferable to other land.
2. This special permit is granted for the purpose(s), structure(s), and/or use(s) indicated on the special permit plat drawn by Greenhorne and O'Mara, Inc., April 24, 1990, as certified by an engineer's seal on March 8, 2013, as qualified by these development conditions. The SP Plat remains the same as approved in SP 89-006-001, except for the certification on Sheet 1 of the SP Plat correcting a plat note.

3. A copy of this Special Permit and the Non-Residential Use Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. This use shall be subject to the provisions set forth in Article 17, Site Plans.
5. The hours of operation shall be limited to the following:

Community Room – 9:00 a.m. to 12:00 a.m.

Swimming Pool – 7:00 a.m. to 11:00 a.m. for swim team practices, swim team meets and swimming lessons,

Swimming Pool/General Swimming Pool Hours 11:00 a.m. to 9:30 p.m.; but, for up to six times during each swim season, swim team meets may also be held during these hours;

Other outside social functions:

a. generally, between 11:00 a.m. to 9:30 p.m. (concurrent with the use of the swimming pool and the community room during these hours).

b. in addition, not more than twelve (12) times per year, outside social functions or activities, including pool use, are permitted between 9:30 pm and 12:00 a.m. on Fridays, Saturdays, Sundays (if the following Monday is a Federal or State Holiday), or pre-holiday evenings, concurrent with the use of the community room. All other functions will be held indoors within the 9:30pm -12:00am time period. Clean-up may be extend beyond this time.

6. The maximum employees at any one time at the site will be eight (8).
7. The maximum family memberships shall be limited to five hundred and fifty-four (554) families. All eleven sections in the Hampton Forest Subdivision shall be offered annual right of first refusal prior to offering annual membership to anyone other than Hampton Forest residents.
8. A minimum of fifty-five (55) and a maximum of fifty-eight (58) parking spaces shall be provided. All parking for this use shall be on-site.
9. Transitional Screening 1 and Barrier D, E, or F shall be provided along the northern, western, and eastern lot lines. Existing vegetation shall be used to fulfill the screening requirement, and supplemental coniferous plantings shall be provided where necessary to fulfill the requirements of Transitional Screening 1 as determined by the County Arborist. A modification of the screening and barrier

requirements shall be granted along the southern lot line to allow landscape plantings.

10. The type, quantity, size and location of all plantings shall be reviewed and approved by the County Arborist. An evergreen hedge, approximately four feet in planted height, shall be located within this landscaped area on the southern lot line. The purpose of this hedge is to screen the parking and to mitigate any adverse visual impact of the recreation center.
11. The barrier requirement shall be waived on the northern, southern, and western lot lines. A solid, six foot wooden fence shall be provided on the eastern lot line to fulfill the barrier requirement.
12. Foundation plantings shall be provided around the existing community clubhouse to soften the visual impact of the structure and to ensure compatibility with the residential area. The type, quantity, size and location of these plantings shall be approved by the County Arborist.
13. The limits of clearing and grading where existing vegetation is to be preserved shall not encroach on the Transitional Screening area and shall be limited to that which is indicated on the Special Permit Plat. A tree preservation plan and/or final limits of clearing and grading shall be established in coordination with and subject to approval by the County Arborist in order to preserve to the greatest extent possible substantial individual trees or stands of trees which may be impacted by construction on the site. Where the Transitional Screening area contains existing vegetation, the limits of clearing and grading shall preserve these areas.
14. Lighting shall be provided in accordance with the Performance Standards contained in Part 9 (Outdoor Lighting Standards) of Article 14 of the Zoning Ordinance.
15. Pool water shall be treated to achieve a pH of 7 or as close as possible to the receiving stream and a minimum dissolved oxygen content of 4.0 milligrams per liter prior to being discharged into the natural drainage system. Also, if pool water is discolored or cloudy, it should be allowed to stand until most of the solids settle out and the water is relatively clear prior to being discharged.
16. Best Management Practices (BMP's) shall be provided to the satisfaction of DEM in accordance with the provisions of the Water Supply Protection Overlay district (WSPOD) of the Zoning Ordinance.
17. Swim meets shall not be conducted during times when the community room is being used for other activities so as to eliminate the need for off-street parking. All parking shall be on-site.
18. There shall be no loudspeakers, bullhorns, or whistles used except during swim

meets.

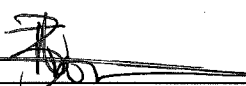
19. Interior parking lot landscaping shall be provided in accordance with Article 13.
20. Construction of the entrance ingress/egress shall be provided in accordance with VDOT standards.
21. In order to meet the intent of Proffer #6 in RZ 79-S-119, a tree preservation plan shall be submitted for approval by the County Arborist that preserves specimen trees on the site to the greatest extent possible. If the preservation plan and the plat conflict, the applicant shall amend the special permit.
22. A soil survey shall be completed prior to pool construction if determined necessary by the Director, Department of Environmental Management. If high water table soils resulting from uncompacted fill, resource removal or any other circumstances result in instability are found in the immediate vicinity of the pool, then the pool shall be engineered and constructed to ensure pool stability, including the installation of hydrostatic relief valves and other appropriate measures.
23. There shall be a maximum of two (2) handicapped parking spaces included in the fifty-eight (58) parking spaces shown on the submitted plat.

This approval, contingent on the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinance, regulations or adopted standards. The applicant shall be responsible for establishing the use as outline above, and this Special permit shall not be valid until this has been accomplished.

Pursuant to Section 8-015 of the Zoning Ordinance, this Special Permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently pursued. It is noted, however, that construction of the improvements shown on the SPA Plat have been completed. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the Special Permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Beard seconded the motion, which carried by a vote of 6-0. Ms. Gibb was absent from the meeting.

A Copy Teste:

  
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Tameca N. Brown, Deputy Clerk  
Board of Zoning Appeals